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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,157	05/06/2004	**Oliver Birch**	CHA920030037US1	7410

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EXAMINER	
GAY, SONIA L	

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/840,157	BIRCH, OLIVER	
	Examiner	Art Unit	
	SONIA GAY	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15,17,21,22,24 and 28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15,17,21,22,24 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/06/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is written in response to Amendment submitted on 06/16/2008 in which claims 15, 17, 21-22, 24, and 28 are presented for examination.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15 and 22 recite "wherein said parlay gateway provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone." However, the preceding limitations of both claims 15 and 22 recite a "telephone network". Examiner interpreted the limitation to recite "remaining elements of said telephone network".

Claim Rejections - 35 USC § 103

3. Claims 15, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al. (US 2008/0076395) in view of Weaver et al. (US 7,149,504), and further in view of McQuillan et al. (US 7,207,048).

4. For claim 15, Bhatia et al. discloses a method for providing call control in a telephone network, said method comprising:

directing a telephone call to a service node call ([0031]);

forwarding an application request from said service node to a parlay gateway ([0031]);

forwarding a request for instruction from said parlay gateway to a telephony application server ([0031]);

returning a routing requirement from said telephony application server to said parlay gateway, (*IVR connection request, connection request between caller and called devices* : [0031])

forwarding said routing application from said parlay gateway to said service node ([0031]);

executing said routing application (*request* : [0031]) using said service node ([0031]);

routing said telephone call based on the results of said routing application ([0031]).

wherein said routing of said telephone call is performed using a service switching point connected to said service node, and wherein said service switching point and said parlay gateway bypass signaling transfer points ([0031])

Yet, Bhatia et al. fails to teach

dynamically transforming said routing requirement into a routing application using said parlay gateway;

wherein said parlay gateway comprises a HTTP server and provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone network.

However, Weaver et al. discloses a parlay gateway that is adapted to dynamically transform information (*location information* : column 9 line 30) into an application (*protocol understood by application within the mobile station* : column 9 lines 30-33) for the purpose of forwarding the information to an application within the mobile station. (column 9 lines 30-33).

Moreover, McQuillan et al. discloses a parlay gateway comprising a HTTP server (*Abstract* : column 4 lines 15 - 23*)* for the purpose of providing a unique functionality that is independent of the call processing functionality of the remaining elements of said telephone network (column 9 lines 9 – 17, 47 – 48; column 10 lines 20 - 27, 60 – 65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Bhatia et al. with the teachings of Weaver et al. and McQuillan et al. so the parlay gateway disclosed above in Bhatia et al. comprises a HTTP server, provides unique functionality that is independent of the call processing functionality of remaining elements of said telephone network, and transforms the routing requirement into a routing application for the purpose of forwarding the routing information to the service node.

For claims 17 and 21, the teachings of Bhatia et al., Weaver et al., and McQuillan et al. further disclose wherein said

parlay gateway functions in heterogeneous environments and works with different types of service nodes. (McQuillan et al., Figure 1 and column 1 lines 33 - 38).

service node is adapted to report call status to said parlay gateway (Bhatia et al, *call going off hook-call event* : [0031]).

5. Claims 22, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al. (US 2008/0076395) in view of McQuillan et al. (US 7,207,048), and further in view of Dunko et al. (US 2002/0072347), and further in view of Weaver et al. (US 7,149,504).

6. For claim 22, Bhatia et al. discloses a method for providing call control in a telephone network, said method comprising:

directing a telephone call to a service node call ([0031]);

forwarding an application request from said service node to a parlay gateway ([0031]);

forwarding a request for instruction from said parlay gateway to a telephony application server ([0031]);

returning a routing requirement from said telephony application server to said parlay gateway, (*IVR connection request, connection request between caller and called devices* : [0031]);

forwarding said routing application from said parlay gateway to said service node ([0031]);

executing said routing application (*request* : [0031]) using said service node ([0031]);

routing said telephone call based on the results of said routing application ([0031]).

wherein said routing of said telephone call is performed using a service switching point connected to said service node, and wherein said service switching point and said parlay gateway bypass signaling transfer points ([0031])

Yet, Bhatia et al. fails to teach the following:

a server and parlay gateway combination wherein the server portion comprises a HTTP server and the server and parlay gateway combination provides unique functionality that is independent of the call processing functionality of the remaining elements of said telephone network;

forwarding a hypertext transfer protocol (HTTP) call control extensible markup language (CCXML) application request to said server and parlay gateway combination; and,

dynamically transforming said routing requirement into a CCXML routing application using said server and parlay gateway combination and executing said CCXML routing application to route said telephone call.

However, McQuillan et al. discloses a gateway comprising a HTTP server, XML interpreter, and parlay interface (*Abstract* : column 4 lines 15 – 23; column 9 lines 29 – 30; column 10 lines 44 – 45) for the purpose of providing a unique functionality that is independent of the call processing functionality of the remaining elements of said telephone {network} (column 9 lines 9 – 17, 47 – 48; column 10 lines 20 - 27, 60 – 65).

Additionally, Dunko et al. discloses a service node (*MSC*: [0023]) that is adapted to forward a hypertext transfer protocol (HTTP) call control extensible markup language (CCXML) (*communication between MSC and help server through a gateway may take a number of forms, but in an exemplary embodiment comprises a HTTP style communication* : [0023]) for the purpose of communicating with a gateway and a remote server ([0023]).

Moreover, Weaver et al. discloses a parlay gateway that is adapted to dynamically transform information (*location information* : column 9 line 30) into an application (*protocol*

understood by application within the mobile station : column 9 lines 30-33) for the purpose of forwarding the information to the application within the mobile station. (column 9 lines 30-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Bhatia et al. with the teachings of McQullan et al., Dunko et al, and Weaver et al. as follows:

include a http server with the parlay gateway disclosed above in Bhatia et al. for the purpose of receiving a hypertext protocol call control extensible markup language (CCXML) application request for the service node;

allow the server and gateway combination to transform the routing requirement into a CCXML routing application for the purpose forwarding the routing application to the service node; and,

adapt the service node disclosed above in Bhatia et al. to execute the HTTP style communication routing application, CCXML, for the purpose of routing said telephone call.

For claims 24 and 28, the teachings of Bhatia et al., McQuillan et al., Dunko et al., and Weaver et al., further disclose wherein said

parlay gateway functions in heterogeneous environments and works with different types of service nodes. (McQuillan et al., Figure 1 and column 1 lines 33 - 38).

service node is adapted to report call status to said parlay gateway (Bhatia et al, *call going off hook-call event* : [0031]).

Response to Arguments

1. Applicant's arguments with respect to claims 15, 17, 21 - 22, 24, and 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonia Gay whose telephone number is (571) 270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/
Examiner, Art Unit 2614

/Ahmad F. Matar/
Supervisory Patent Examiner, Art Unit 2614